

SHB 1755 - S AMD 395  
By Senator Mulliken

ADOPTED 04/17/2003

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 35.13 RCW  
4 to read as follows:

5 (1) The legislative body of a county, city, or town planning under  
6 chapter 36.70A RCW and subject to the requirements of RCW 36.70A.215  
7 may initiate an annexation process for unincorporated territory by  
8 adopting a resolution commencing negotiations for an interlocal  
9 agreement as provided in chapter 39.34 RCW between a county and any  
10 city or town within the county. The territory proposed for annexation  
11 must meet the following criteria: (a) Be within the city or town urban  
12 growth area designated under RCW 36.70A.110, and (b) at least sixty  
13 percent of the boundaries of the territory proposed for annexation must  
14 be contiguous to the annexing city or town or one or more cities or  
15 towns.

16 (2) If the territory proposed for annexation has been designated in  
17 an adopted county comprehensive plan as part of an urban growth area,  
18 urban service area, or potential annexation area for a specific city or  
19 town, or if the urban growth area territory proposed for annexation has  
20 been designated in a written agreement between a city or town and a  
21 county for annexation to a specific city or town, the designation or  
22 designations shall receive full consideration before a city or county  
23 may initiate the annexation process provided for in section 2 of this  
24 act.

25 (3) The agreement shall describe the boundaries of the territory to  
26 be annexed. A public hearing shall be held by each legislative body,  
27 separately or jointly, before the agreement is executed. Each  
28 legislative body holding a public hearing shall, separately or jointly,  
29 publish the agreement at least once a week for two weeks before the

1 date of the hearing in one or more newspapers of general circulation  
2 within the territory proposed for annexation.

3 (4) Following adoption and execution of the agreement by both  
4 legislative bodies, the city or town legislative body shall adopt an  
5 ordinance providing for the annexation of the territory described in  
6 the agreement. The legislative body shall cause notice of the proposed  
7 effective date of the annexation, together with a description of the  
8 property to be annexed, to be published at least once each week for two  
9 weeks subsequent to passage of the ordinance, in one or more newspapers  
10 of general circulation within the city and in one or more newspapers of  
11 general circulation within the territory to be annexed. If the  
12 annexation ordinance provides for assumption of indebtedness or  
13 adoption of a proposed zoning regulation, the notice shall include a  
14 statement of the requirements. Any territory to be annexed through an  
15 ordinance adopted under this section is annexed and becomes a part of  
16 the city or town upon the date fixed in the ordinance of annexation,  
17 which date may not be fewer than forty-five days after adoption of the  
18 ordinance.

19 NEW SECTION. **Sec. 2.** A new section is added to chapter 35.13 RCW  
20 to read as follows:

21 (1) The legislative body of any county planning under chapter  
22 36.70A RCW and subject to the requirements of RCW 36.70A.215 may  
23 initiate an annexation process with the legislative body of any other  
24 cities or towns that are contiguous to the territory proposed for  
25 annexation in section 1 of this act if:

26 (a) The county legislative body initiated an annexation process as  
27 provided in section 1 of this act; and

28 (b) The affected city or town legislative body adopted a responsive  
29 resolution rejecting the proposed annexation or declined to create the  
30 requested interlocal agreement with the county; or

31 (c) More than one hundred eighty days have passed since adoption of  
32 a county resolution as provided for in section 1 of this act and the  
33 parties have not adopted or executed an interlocal agreement providing  
34 for the annexation of unincorporated territory. The legislative body  
35 for either the county or an affected city or town may, however, pass a

1 resolution extending the negotiation period for one or more six-month  
2 periods if a public hearing is held and findings of fact are made prior  
3 to each extension.

4 (2) Any county initiating the process provided for in subsection  
5 (1) of this section must do so by adopting a resolution commencing  
6 negotiations for an interlocal agreement as provided in chapter 39.34  
7 RCW between the county and any city or town within the county. The  
8 annexation area must be within an urban growth area designated under  
9 RCW 36.70A.110 and at least sixty percent of the boundaries of the  
10 territory to be annexed must be contiguous to one or more cities or  
11 towns.

12 (3) The agreement shall describe the boundaries of the territory to  
13 be annexed. A public hearing shall be held by each legislative body,  
14 separately or jointly, before the agreement is executed. Each  
15 legislative body holding a public hearing shall, separately or jointly,  
16 publish the agreement at least once a week for two weeks before the  
17 date of the hearing in one or more newspapers of general circulation  
18 within the territory proposed for annexation.

19 (4) Following adoption and execution of the agreement by both  
20 legislative bodies, the city or town legislative body shall adopt an  
21 ordinance providing for the annexation. The legislative body shall  
22 cause notice of the proposed effective date of the annexation, together  
23 with a description of the property to be annexed, to be published at  
24 least once each week for two weeks subsequent to passage of the  
25 ordinance, in one or more newspapers of general circulation within the  
26 city and in one or more newspapers of general circulation within the  
27 territory to be annexed. If the annexation ordinance provides for  
28 assumption of indebtedness or adoption of a proposed zoning regulation,  
29 the notice shall include a statement of the requirements. Any area to  
30 be annexed through an ordinance adopted under this section is annexed  
31 and becomes a part of the city or town upon the date fixed in the  
32 ordinance of annexation, which date may not be less than forty-five  
33 days after adoption of the ordinance.

34 (5) The annexation ordinances provided for in section 1(4) of this  
35 act and subsection (4) of this section are subject to referendum for  
36 forty-five days after passage. Upon the filing of a timely and  
37 sufficient referendum petition with the legislative body, signed by

1 registered voters in number equal to not less than fifteen percent of  
2 the votes cast in the last general state election in the area to be  
3 annexed, the question of annexation shall be submitted to the voters of  
4 the area in a general election if one is to be held within ninety days  
5 or at a special election called for that purpose not less than forty-  
6 five days nor more than ninety days after the filing of the referendum  
7 petition. Notice of the election shall be given as provided in RCW  
8 35.13.080 and the election shall be conducted as provided in the  
9 general election law. The annexation shall be deemed approved by the  
10 voters unless a majority of the votes cast on the proposition are in  
11 opposition thereto.

12 After the expiration of the forty-fifth day from but excluding the  
13 date of passage of the annexation ordinance, if no timely and  
14 sufficient referendum petition has been filed, the area annexed shall  
15 become a part of the city or town upon the date fixed in the ordinance  
16 of annexation.

17 (6) If more than one city or town adopts interlocal agreements  
18 providing for annexation of the same unincorporated territory as  
19 provided by this section, an election shall be held in the area to be  
20 annexed pursuant to RCW 35.13.070 and 35.13.080. In addition to the  
21 provisions of RCW 35.13.070 and 35.13.080, the ballot shall also  
22 contain a separate proposition allowing voters to cast votes in favor  
23 of annexation to any one city or town participating in an interlocal  
24 agreement as provided by this section. If a majority of voters voting  
25 on the proposition vote against annexation, the proposition is  
26 defeated. If, however, a majority of voters voting in the election  
27 approve annexation, the area shall be annexed to the city or town  
28 receiving the highest number of votes among those cast in favor of  
29 annexation.

30 (7) Costs for an election required under subsection (6) of this  
31 section shall be borne by the county.

32 NEW SECTION. **Sec. 3.** A new section is added to chapter 35A.14 RCW  
33 to read as follows:

34 (1) The legislative body of a county or code city planning under  
35 chapter 36.70A RCW and subject to the requirements of RCW 36.70A.215  
36 may initiate an annexation process for unincorporated territory by

1 adopting a resolution commencing negotiations for an interlocal  
2 agreement as provided in chapter 39.34 RCW between a county and any  
3 code city within the county. The territory proposed for annexation  
4 must meet the following criteria: (a) Be within the code city urban  
5 growth area designated under RCW 36.70A.110, and (b) at least sixty  
6 percent of the boundaries of the territory proposed for annexation must  
7 be contiguous to the annexing code city or one or more cities or towns.

8 (2) If the territory proposed for annexation has been designated in  
9 an adopted county comprehensive plan as part of an urban growth area,  
10 urban service area, or potential annexation area for a specific city,  
11 or if the urban growth area territory proposed for annexation has been  
12 designated in a written agreement between a city and a county for  
13 annexation to a specific city or town, the designation or designations  
14 shall receive full consideration before a city or county may initiate  
15 the annexation process provided for in section 4 of this act.

16 (3) The agreement shall describe the boundaries of the territory to  
17 be annexed. A public hearing shall be held by each legislative body,  
18 separately or jointly, before the agreement is executed. Each  
19 legislative body holding a public hearing shall, separately or jointly,  
20 publish the agreement at least once a week for two weeks before the  
21 date of the hearing in one or more newspapers of general circulation  
22 within the territory proposed for annexation.

23 (4) Following adoption and execution of the agreement by both  
24 legislative bodies, the city legislative body shall adopt an ordinance  
25 providing for the annexation of the territory described in the  
26 agreement. The legislative body shall cause notice of the proposed  
27 effective date of the annexation, together with a description of the  
28 property to be annexed, to be published at least once each week for two  
29 weeks subsequent to passage of the ordinance, in one or more newspapers  
30 of general circulation within the city and in one or more newspapers of  
31 general circulation within the territory to be annexed. If the  
32 annexation ordinance provides for assumption of indebtedness or  
33 adoption of a proposed zoning regulation, the notice shall include a  
34 statement of the requirements. Any territory to be annexed through an  
35 ordinance adopted under this section is annexed and becomes a part of  
36 the city upon the date fixed in the ordinance of annexation, which date  
37 may not be fewer than forty-five days after adoption of the ordinance.

1        NEW SECTION.    **Sec. 4.**    A new section is added to chapter 35A.14 RCW  
2 to read as follows:

3        (1) The legislative body of any county planning under chapter  
4 36.70A RCW and subject to the requirements of RCW 36.70A.215 may  
5 initiate an annexation process with the legislative body of any other  
6 cities or towns that are contiguous to the territory proposed for  
7 annexation in section 3 of this act if:

8            (a) The county legislative body initiated an annexation process as  
9 provided in section 3 of this act; and

10           (b) The affected city legislative body adopted a responsive  
11 resolution rejecting the proposed annexation or declined to create the  
12 requested interlocal agreement with the county; or

13           (c) More than one hundred eighty days have passed since adoption of  
14 a county resolution as provided for in section 3 of this act and the  
15 parties have not adopted or executed an interlocal agreement providing  
16 for the annexation of unincorporated territory. The legislative body  
17 for either the county or an affected city may, however, pass a  
18 resolution extending the negotiation period for one or more six-month  
19 periods if a public hearing is held and findings of fact are made prior  
20 to each extension.

21        (2) Any county initiating the process provided for in subsection  
22 (1) of this section must do so by adopting a resolution commencing  
23 negotiations for an interlocal agreement as provided in chapter 39.34  
24 RCW between the county and any city or town within the county. The  
25 annexation area must be within an urban growth area designated under  
26 RCW 36.70A.110 and at least sixty percent of the boundaries of the  
27 territory to be annexed must be contiguous to one or more cities or  
28 towns.

29        (3) The agreement shall describe the boundaries of the territory to  
30 be annexed. A public hearing shall be held by each legislative body,  
31 separately or jointly, before the agreement is executed. Each  
32 legislative body holding a public hearing shall, separately or jointly,  
33 publish the agreement at least once a week for two weeks before the  
34 date of the hearing in one or more newspapers of general circulation  
35 within the territory proposed for annexation.

36        (4) Following adoption and execution of the agreement by both  
37 legislative bodies, the city or town legislative body shall adopt an

1 ordinance providing for the annexation. The legislative body shall  
2 cause notice of the proposed effective date of the annexation, together  
3 with a description of the property to be annexed, to be published at  
4 least once each week for two weeks subsequent to passage of the  
5 ordinance, in one or more newspapers of general circulation within the  
6 city and in one or more newspapers of general circulation within the  
7 territory to be annexed. If the annexation ordinance provides for  
8 assumption of indebtedness or adoption of a proposed zoning regulation,  
9 the notice shall include a statement of the requirements. Any area to  
10 be annexed through an ordinance adopted under this section is annexed  
11 and becomes a part of the city or town upon the date fixed in the  
12 ordinance of annexation, which date may not be less than forty-five  
13 days after adoption of the ordinance.

14 (5) The annexation ordinances provided for in section 3(4) of this  
15 act and subsection (4) of this section are subject to referendum for  
16 forty-five days after passage. Upon the filing of a timely and  
17 sufficient referendum petition with the legislative body, signed by  
18 registered voters in number equal to not less than fifteen percent of  
19 the votes cast in the last general state election in the area to be  
20 annexed, the question of annexation shall be submitted to the voters of  
21 the area in a general election if one is to be held within ninety days  
22 or at a special election called for that purpose not less than forty-  
23 five days nor more than ninety days after the filing of the referendum  
24 petition. Notice of the election shall be given as provided in RCW  
25 35A.14.070 and the election shall be conducted as provided in the  
26 general election law. The annexation shall be deemed approved by the  
27 voters unless a majority of the votes cast on the proposition are in  
28 opposition thereto.

29 After the expiration of the forty-fifth day from but excluding the  
30 date of passage of the annexation ordinance, if no timely and  
31 sufficient referendum petition has been filed, the area annexed shall  
32 become a part of the city or town upon the date fixed in the ordinance  
33 of annexation.

34 (6) If more than one city or town adopts interlocal agreements  
35 providing for annexation of the same unincorporated territory as  
36 provided by this section, an election shall be held in the area to be  
37 annexed pursuant to RCW 35A.14.070. In addition to the provisions of

1 RCW 35A.14.070, the ballot shall also contain a separate proposition  
2 allowing voters to cast votes in favor of annexation to any one city or  
3 town participating in an interlocal agreement as provided by this  
4 section. If a majority of voters voting on the proposition vote  
5 against annexation, the proposition is defeated. If, however, a  
6 majority of voters voting in the election approve annexation, the area  
7 shall be annexed to the city or town receiving the highest number of  
8 votes among those cast in favor of annexation.

9 (7) Costs for an election required under subsection (6) of this  
10 section shall be borne by the county.

11 **Sec. 5.** RCW 36.70A.110 and 1997 c 429 s 24 are each amended to  
12 read as follows:

13 (1) Each county that is required or chooses to plan under RCW  
14 36.70A.040 shall designate an urban growth area or areas within which  
15 urban growth shall be encouraged and outside of which growth can occur  
16 only if it is not urban in nature. Each city that is located in such  
17 a county shall be included within an urban growth area. An urban  
18 growth area may include more than a single city. An urban growth area  
19 may include territory that is located outside of a city only if such  
20 territory already is characterized by urban growth whether or not the  
21 urban growth area includes a city, or is adjacent to territory already  
22 characterized by urban growth, or is a designated new fully contained  
23 community as defined by RCW 36.70A.350.

24 (2) Based upon the growth management population projection made for  
25 the county by the office of financial management, the county and each  
26 city within the county shall include areas and densities sufficient to  
27 permit the urban growth that is projected to occur in the county or  
28 city for the succeeding twenty-year period. Each urban growth area  
29 shall permit urban densities and shall include greenbelt and open space  
30 areas. An urban growth area determination may include a reasonable  
31 land market supply factor and shall permit a range of urban densities  
32 and uses. In determining this market factor, cities and counties may  
33 consider local circumstances. Cities and counties have discretion in  
34 their comprehensive plans to make many choices about accommodating  
35 growth.

1           Within one year of July 1, 1990, each county that as of June 1,  
2 1991, was required or chose to plan under RCW 36.70A.040, shall begin  
3 consulting with each city located within its boundaries and each city  
4 shall propose the location of an urban growth area. Within sixty days  
5 of the date the county legislative authority of a county adopts its  
6 resolution of intention or of certification by the office of financial  
7 management, all other counties that are required or choose to plan  
8 under RCW 36.70A.040 shall begin this consultation with each city  
9 located within its boundaries. The county shall attempt to reach  
10 agreement with each city on the location of an urban growth area within  
11 which the city is located. If such an agreement is not reached with  
12 each city located within the urban growth area, the county shall  
13 justify in writing why it so designated the area an urban growth area.  
14 A city may object formally with the department over the designation of  
15 the urban growth area within which it is located. Where appropriate,  
16 the department shall attempt to resolve the conflicts, including the  
17 use of mediation services.

18           (3) Urban growth should be located first in areas already  
19 characterized by urban growth that have adequate existing public  
20 facility and service capacities to serve such development, second in  
21 areas already characterized by urban growth that will be served  
22 adequately by a combination of both existing public facilities and  
23 services and any additional needed public facilities and services that  
24 are provided by either public or private sources, and third in the  
25 remaining portions of the urban growth areas. Urban growth may also be  
26 located in designated new fully contained communities as defined by RCW  
27 36.70A.350.

28           (4) In general, cities are the units of local government most  
29 appropriate to provide urban governmental services. In general, it is  
30 not appropriate that urban governmental services be extended to or  
31 expanded in rural areas except in those limited circumstances shown to  
32 be necessary to protect basic public health and safety and the  
33 environment and when such services are financially supportable at rural  
34 densities and do not permit urban development.

35           (5) On or before October 1, 1993, each county that was initially  
36 required to plan under RCW 36.70A.040(1) shall adopt development  
37 regulations designating interim urban growth areas under this chapter.

1 Within three years and three months of the date the county legislative  
2 authority of a county adopts its resolution of intention or of  
3 certification by the office of financial management, all other counties  
4 that are required or choose to plan under RCW 36.70A.040 shall adopt  
5 development regulations designating interim urban growth areas under  
6 this chapter. Adoption of the interim urban growth areas may only  
7 occur after public notice; public hearing; and compliance with the  
8 state environmental policy act, chapter 43.21C RCW, and RCW 36.70A.110.  
9 Such action may be appealed to the appropriate growth management  
10 hearings board under RCW 36.70A.280. Final urban growth areas shall be  
11 adopted at the time of comprehensive plan adoption under this chapter.

12 (6) Each county shall include designations of urban growth areas in  
13 its comprehensive plan.

14 (7) An urban growth area designated in accordance with this section  
15 may include within its boundaries urban service areas or potential  
16 annexation areas designated for specific cities or towns within the  
17 county."

**SHB 1755 - S AMD 395**  
By Senator Mulliken

**ADOPTED 04/17/2003**

18 On page 1, line 2 of the title, after "territory;" strike the  
19 remainder of the title and insert "amending RCW 36.70A.110; adding new  
20 sections to chapter 35.13 RCW; and adding new sections to chapter  
21 35A.14 RCW."

--- END ---